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10/561,012	12/11/2006	Jorge Abellan Sevilla	526801-57PUS	6077

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EXAMINER

MAHMOOD, REZWANUL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,012	Applicant(s) ABELLAN SEVILLA ET AL.	
	Examiner REZWANUL MAHMOOD	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2008 has been entered. Claims 2-4, 6-9 and 10-12 are pending in this office action.

Claim Objections

Claims 10 and 12 are objected to because of the following informalities:

In claims 10 and 12, the phrase "concluding or not" is objected to because it discloses an optional condition. It can be interpreted that the steps following the "concluding or not" phrase does not have to be executed.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 12 are rejected under 35 U.S.C. §101 because the claimed invention is not tied to a particular machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-9 and 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kruglikov (US Patent 6,505,215) in view of Guthery (US Patent 6,824,064), hereinafter referred to as Guthery ('64), and in further view of Mwaura (US Patent 6,779,002).

With respect to claim 10, Kruglikov discloses a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Figure 1), the method comprising:

loading an application into the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Figure 1);

executing the loaded application (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1);

initiating, by the mobile first data processing system, the synchronization process of the first and second databases in response to receiving the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token coupled to the mobile first data processing device, loading the application in the security token;

The Guthery reference, however, discloses claimed a security token is coupled for communication with the mobile first data processing system and an application is loaded into the security token (Guthery: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov with the teachings of Guthery to have a data processing system include a security token controlled by an operator and load an application into the security token to move the administration of simultaneous communication with multiple applications on a smart card onto the smart card itself (Guthery: Column 3, lines 19-22).

Kruglikov and Guthery do not explicitly disclose:

receiving, by the application, messages or events that occur in the mobile first data processing system or in the network;

in response to the messages or events received and in accordance with the

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synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and

if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases;

The Mwaura reference, however, discloses receiving a message by an application and concluding if synchronization is needed by checking if the message is relevant, if it is relevant then taking a synchronization action (Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery with the teachings of Mwaura to conclude if synchronization is needed, transmitting a command to take the designated synchronization action upon the message for synchronizing content of the first and second databases for providing a means to synchronize data between different databases (Mwaura: Column 1, lines 7-9).

With respect to claim 2, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the information includes an identifier of the second database to be synchronized (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Fig 1).

With respect to claim 3, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the information includes a synchronization protocol to be used between the first and second data processing systems (Kruglikov: Column 6, lines 33-36; Guthery: Column 8, lines 15-20).

With respect to claim 4, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the information includes an identifier of the first database (Kruglikov: Column 2, lines 58-67; Column 3, lines 1-11; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 6, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the application is informed of a synchronization result between the first and second databases (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery' 64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 7, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the application is informed of a synchronization result if the synchronization result was requested in the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 11, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10, wherein the mobile first data processing equipment executes a program operable to receive all of the synchronization parameters and to start the synchronization process (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery '64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35; Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

With respect to claim 12, Kruglikov discloses a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Figure 1), the method comprising:

loading an application into the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Figure 1);

executing the loaded application (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

initiating, by the mobile first data processing system, the synchronization process

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of the first and second databases in response to receiving the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token coupled to the mobile first data processing device, loading the application in the security token;

The Guthery ('64) reference, however, discloses claimed a security token is coupled for communication with the mobile first data processing system and an application is loaded into the security token (Guthery '64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov with the teachings of Guthery to have a data processing system include a security token controlled by an operator and load an application into the security token to move the administration of simultaneous communication with multiple applications on a smart card onto the smart card itself (Guthery '64: Column 3, lines 19-22).

Kruglikov and Guthery do not explicitly disclose:

receiving, by the application, messages or events that occur in the mobile first data processing system or in the network;

in response to the messages or events received and in accordance with the synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and

if a synchronization is needed, transmitting, by the application, a command to the

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mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases;

The Mwaura reference, however, discloses receiving a message by an application and concluding if synchronization is needed by checking if the message is relevant, if it is relevant then taking a synchronization action (Mwaura: Abstract, lines 1-29; Column 6, lines 20-38).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery with the teachings of Mwaura to conclude if synchronization is needed, transmitting a command to take the designated synchronization action upon the message for synchronizing content of the first and second databases for providing a means to synchronize data between different databases (Mwaura: Column 1, lines 7-9).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruglikov in view of Guthery ('64) in further view of Mwaura as applied to claims 10, 2-4, 6, and 7 above, and further in view of Guthery (US Patent 6,676,022), hereinafter referred to as Guthery ('22).

With respect to claim 8, Kruglikov in view of Guthery ('64) in further view of Mwaura discloses the method according to claim 10,

However, Kruglikov, Guthery and Mwaura do not explicitly disclose the command is a card application toolkit command.

The Guthery ('22) reference discloses a card application toolkit providing mechanisms that allow applications existing in the smart card to interact and operate (US (Guthery '22: Column 4, lines 41-64).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov, Guthery ('64), and Mwaura with the teachings of Guthery ('22) for a command being a card application toolkit command for processing commands in a smart card (Guthery '22: Column 2, lines 62-63).

Remarks

Applicant's arguments with respect to claims 2-4, 6-9 and 10-12 have been considered but are moot in view of the new ground

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Quentin reference (US Publication 2002/0193098) teaches about a SIM Toolkit and executing commands. The Boss reference (US Publication 2005/0113139) teaches about a dynamic service application stored and executed on a mobile communication device. The Ahlgren reference (US Patent 6,968,209) teaches about synchronizing databases in portable communication devices. The Gruber reference (US Publication 2003/0014633) teaches about security tokens.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REZWANUL MAHMOOD whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M./
Examiner, Art Unit 2164

November 20, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164